

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 11109 of 2007(V)

PETITIONERS:

1. K.SUGATHAN,
ADVOCATE, VARKALA.
2. S.KRISHNAKUMAR,
ADVOCATE, VARKALA.

BY ADV. SRI.M.R.RAJESH
SMT.A.K.PREETHA

RESPONDENTS:

1. VARKALA BAR ASSOCIATION, REPRESENTED BY
THE SECRETARY, JUNU SREENIVASAN,
ADVOCATE, VARKALA.
2. P.SASIDHARAN, ADVOCATE,
VARKALA. (RETURNING OFFICER TO THE ELECTION TO
THE BAR ASSOCIATION, VARKALA.)
3. N.GOPALAKRISHNAN NAIR,
ADVOCATE, VARKALA.
4. JUNU SREENIVASAN,
ADVOCATE, SECRETARY, BAR ASSOCIATION, VARKALA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11109 OF 2007-V

JUDGMENT

The petitioners are members of the Varkala Bar Association. The election to the office bearers of the Association is scheduled to be held tomorrow. As evident from Exts.P4 and P5, they are included in the voters' list. The petitioners submit, they will not be allowed to vote in the election that takes place tomorrow, though they are included in the voters' list. Therefore, this writ petition is filed, seeking the following reliefs:

“(i) Declare that the petitioners and others mentioned in Ext.P5 letter are entitled to vote in the election to the office bearers of the 1st respondent Association, to be held on 30.03.2007.

(ii) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the 2nd respondent to permit the petitioners and others mentioned in Ext.P5 to vote in the election to the office bearers of the 1st respondent Association, to be held on 30.03.2007.”

2. The Bar Association is an organization, registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. So, it is an authority amenable to the writ jurisdiction of this Court, it is submitted. So, the petitioner prays for granting the above reliefs.

3. An organization registered under the above Act, will not become a statutory authority amendable to the writ jurisdiction of this Court. If it is discharging any statutory function, then to that extent, it may be amenable. A Bar Association, discharging the statutory function under the Advocates' Welfare Fund Act may be amenable to the writ jurisdiction of this Court in relation to those functions. But, the holding of the election is an activity of the Association, as per its Rules/Bye-laws/Articles of Association. If there is any illegality in the holding of the election, the remedies of the petitioner lies before the competent civil court. This Court cannot interfere with the same under Article 226 of the Constitution of India. Accordingly, the Writ Petition fails and it is dismissed.

29th March, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/